

REMARKS

Claims 21 – 38 are currently pending in the application. By this amendment, claims 21, 25 and 36 – 38 have been amended. Specifically, some features of claims 37 and 38 have been incorporated into independent claims 21 and 25. Additionally, claim 36 has been amended to provide proper antecedent basis. Applicants submit that no new matter has been added by this amendment. Support for the amendment can be found, for example, at least in previously presented claims 37 and 38. Reconsideration of the rejected claims in view of the above amendments and following remarks is respectfully requested.

35 U.S.C. § 102 Rejections

Claims 21, 23, 25 – 30, 32, 34, 35, 37 and 38 were rejected under 35 U.S.C. §102(e) for being anticipated by U.S. Patent No. 6,005,562 issued to Shiga et al. ("Shiga"). This rejection is respectfully traversed.

To anticipate a claim, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP § 2131. Applicants submit that Shiga does not disclose all of the features of the claimed invention.

Independent Claims 21 and 25

The present invention relates to a video viewing system and method. Specifically, claim 21 recites, in pertinent part:

... means for selecting a programming channel containing video program in progress;
a display screen for viewing a video program in progress; and
at least one summary frame also displayed on said display screen overlaid onto said video program in progress at a same time when said

programming channel is changed, said at least one summary frame comprising a past frame from said video program in progress, wherein the at least one summary frame comprises a plurality of said summary frames each corresponding to said video program in progress.

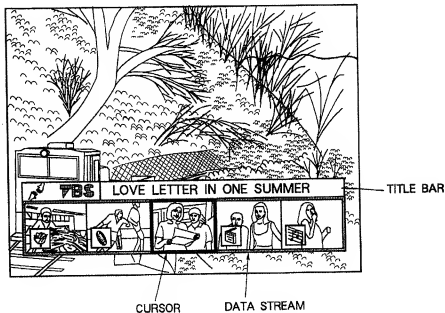
Claim 25 recites, in pertinent part:

... a display screen for viewing a video program;
at least one summary frame displayed on said display screen at a same time and overlaid with said video program when a programming channel is changed, said at least one summary frame comprising one of a past or future frame from said video program; and
a control means for allowing a user to change said video program and for allowing said user to select said at least one summary frame to play at least a segment of said video program corresponding to said selected summary frame,
wherein the at least one summary frame comprises a plurality of said summary frames each corresponding to said video program in progress.

Applicants submit that these features are not disclosed by Shiga. For example, Applicants submit that Shiga does not disclose wherein the at least one summary frame comprises a plurality of said summary frames each corresponding to said video program in progress.

Shiga discloses an electronic program guide (EPG) system using images of reduced size to identify respective programs. Additionally, Shiga discloses that single frame images may be specially created, or selected from the video frames of the program, to identify each program. More specifically, Shiga discloses at col. 5, lines 19 – 21 that, “. . . switcher 301 supplies to EPG data generator 309 a selected frame contained in each program supplied to the switcher over the respective broadcast channels.”

Moreover, the single frame images are shown in FIG. 4 of Shiga, reproduced below.



Therefore, Applicants submit that Shiga discloses an EPG system wherein a single static frame is generated for each respective program that is currently airing or will air at some point in the future. That is, each program will only have one single frame associated therewith. This is shown in FIG. 4, wherein the five single frames shown in the EPG are from five different programs.

In rejecting claims 21 and 25, the Examiner poses a hypothetical situation in which a user selects a single frame in order to tune the television to that channel. Upon selection, the Examiner asserts that the EPG system will continue to display that single frame superimposed over the program corresponding to that selected single frame.

However, Applicants submit that in the Examiner's hypothetical situation, Shiga would not disclose a plurality of summary frames each corresponding to the video program in progress.

That is, if the single frame images remain on the screen after tuning to the channel corresponding to the selected single frame (which Applicants do not concede), Applicants submit that only one of those single frames (i.e., the one that was selected) would correspond to the video program in progress. As discussed above, according to Shiga, only a single frame is created for each video program. Thus, Applicants submit that Shiga does not disclose wherein the at least one summary frame comprises a plurality of said summary frames each corresponding to said video program in progress, as recited in claims 21 and 25.

Therefore, Applicants submit that Shiga does not disclose each feature of independent claims 21 and 25, and does not anticipate the present invention.

Independent Claim 30

Claim 30 recites, in pertinent part:

... selecting a plurality of summary frames depicting selected events from said video program;
embedding said summary frames in said video program;
transmitting said video program comprising said summary frames over a media and displaying said video program and said summary frames on a screen at a same time with said video program when a viewer changes to said video program.

Applicants submit that each of these features are not disclosed by Shiga. For example, Applicants submit that Shiga does not disclose selecting a plurality of summary frames depicting selected events from said video program.

In addressing claim 30, the Examiner asserts that Shiga discloses this feature at col. 5, lines 18 – 21. Applicants respectfully disagree. Applicants have reproduced the above-cited passage of Shiga below:

In the preferred embodiment, however, switcher 301 supplies to EPG data generator 309 a selected frame contained in each program supplied to the switcher over the respective broadcast channels.

Thus, as previously discussed above, Applicants submit that Shiga only discloses supplying a single frame for each program. In other words, according to Shiga, each program will only have a single frame associated therewith. Therefore, under the Examiner's hypothetical situation, at most, only one frame would depict selected events from the video program in progress and displayed on the screen. Accordingly, Applicants submit that Shiga does not disclose selecting a plurality of summary frames depicting selected events from said video program, as recited in claim 30.

Therefore, Applicants submit that Shiga does not disclose each feature of independent claim 30, and does not anticipate the present invention.

Dependent Claims 23, 26 – 29, 32, 34, 35, 37 and 38

Claims 23, 26 – 29, 32, 34, 35, 37 and 38 are dependent claims, depending from respective distinguishable base claims. Accordingly, these claims should also be in condition for allowance based upon their dependencies.

Accordingly, Applicants respectfully request the rejection over claims 21, 23, 25 – 30, 32, 34, 35, 37 and 38 be withdrawn.

35 U.S.C. § 103 Rejections

Claims 29 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiga. Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shiga in view of U.S. Patent No. 6,732,369 issued to Schein et al. ("Schein"). Claims 24 and 36 were rejected (P27085 00364775.DOC)

under 35 U.S.C. § 103(a) as being unpatentable over Shiga in view of U.S. Patent No. 6,147,714 issued to Terasawa et al. ("Terasawa"). These rejections are respectfully traversed.

Independent Claim 33

Claim 33 recites, in pertinent part:

selecting a plurality of summary frames depicting selected events from said video program;
embedding said summary frames in said video program;
transmitting said video program comprising said summary frames over a media;
simultaneously displaying said video program and said summary frames on a screen when a viewer selects said video program;
writing selected frames from said selecting step only in a row direction of a table; and
reading said selected frames from said table only in a column direction to interleave said summary frames displayed on said screen.

Applicants submit that these features are not disclosed or suggested by Shiga. For example, Applicants submit that Shiga does not disclose or suggest selecting a plurality of summary frames depicting selected events from said video program and does not disclose or suggest simultaneously displaying said video program and said summary frames on a screen when a viewer selects said video program.

As discussed above, Applicants submit that Shiga discloses that each program will have a single frame in the program guide. In other words, no program will have more than one frame representing the program in the electronic programming guide. Thus, Applicants submit that Shiga does not disclose or suggest selecting a plurality of summary frames depicting selected events from said video program or simultaneously displaying the summary frames with the video program in progress. Instead, Shiga explicitly uses only a single frame; contrary to the present invention.

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In addressing claim 33, the Examiner states that “the ‘video program in progress’ is broadly interpreted to be the program stream received from the currently tuned channel.” However, Applicants respectfully submit that the Examiner’s interpretation is improper. Applicants respectfully remind the Examiner of the guidance provided by MPEP § 2111, which states:

During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” The Federal Circuit’s *en banc* decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the “broadest reasonable interpretation” standard:

The Patent and Trademark Office (“PTO”) determines the scope of the claims in patent application not solely on the basis of the claim language, but upon giving the claims their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 [70 USPQ 1827] (Fed. Cir. 2004). Indeed, the rules of the PTO require that application claims must “conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” 37 C.F.R. 1.75(d)(1).

Applicants submit that the term “video program in progress” is clearly defined in claim 33 as the video program that is currently displayed on the display screen. Furthermore, “video program in progress” is clearly defined in the specification, at least at page 2, lines 20 - 22, which states, “[i]t is therefore an object of the invention to provide summary frame windows on the screen of a playing video.” (Emphasis added). Additionally, the “video program in progress” is discussed at page 5, lines 29 - 31, which states “[i]n this example, channel 07 is currently broadcasting what appears to be a small passenger jet flying through the clouds.” (Emphasis added). Moreover, the “video program in progress” is discussed at page 6, line 29 - page 7, line 1, which states “[h]ence, according to the invention, when a viewer 10 arrives at a

new channel, rather than only having what is currently playing to catch the eye, the summary frames, 20, 22 and 24, are also available to catch the viewer's attention and aide in understanding the programming." (Emphasis added). Therefore, Applicants submit that the Examiner's interpretation of "video program in progress" is beyond any broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art."

Thus, Applicants submit that Shiga does not disclose each of the features of claim 33, and does not render the invention unpatentable.

Independent Claim 36

Claim 36 recites, in pertinent part:

... at least one summary frame also displayed on said display screen along with said video program in progress at a same time when said programming channel is changed, said at least one summary frame comprising a past frame from said video program in progress, said at least one summary frame corresponding to a past frame from said video program in progress; and
at least one preview frame comprising a future frame from said video program in progress displayed at a same time as said at least one summary frame and said video program in progress,
wherein said at least one summary frame displays a video segment on said viewing screen corresponding to said at least one summary frame.

Applicants submit that these features are not disclosed or suggested by Shiga in view of Terasawa. For example, Applicants submit that Shiga in view of Terasawa does not teach or suggest at least one summary frame comprising a past frame from said video program in progress and at least one preview frame comprising a future frame from said video program in progress displayed at a same time as said at least one summary frame and said video program in progress.

As discussed above, Applicants submit that Shiga discloses providing a single frame for each video program. As such, under the Examiner's hypothetical situation described above, Shiga would not disclose a plurality of single frames for the same video program in progress. Thus, Applicants submit that Shiga does not teach or suggest at least one summary frame comprising a past frame from said video program in progress and at least one preview frame comprising a future frame from said video program in progress displayed at a same time as said at least one summary frame and said video program in progress, as recited in claim 36.

Additionally, Applicants submit that Terasawa does not cure the deficiencies of Shiga. Terasawa discloses a control apparatus and control method for displaying an EPG that operates in the same manner as Shiga. That is, a single frame is provided for each currently airing program and programs to be aired in the future. As such, Terasawa does not teach or suggest at least one summary frame comprising a past frame from said video program in progress and at least one preview frame comprising a future frame from said video program in progress displayed at a same time as said at least one summary frame and said video program in progress, as recited in claim 36.

Moreover, in rejecting claim 36, the Examiner states that "[i]n this case, the 'video program in progress' is broadly interpreted to be the program stream received on the currently tuned channel." However, for the reasons set forth above with respect to claim 33, Applicants respectfully submit that the Examiner's interpretation is improper. Moreover, Applicants submit that the term "video program in progress" is clearly defined in the claims as the video program that is currently displayed on the display screen.

Additionally, Applicants note that the Examiner, in interpreting "video program in progress" as the program stream received on that channel, does not address claim 36 as it is

claimed. That is, the Examiner states “[s]uch a summary frame would comprise a preview frame comprising a future frame from the current channel displayed at the same time as a past frame overlaid on the channel in progress.” (Emphasis added). However, claim 36 recites video program in progress and not channel. Thus, Applicants submit that the Examiner has not addressed claim 36 as claimed and has not provided a complete action, as addressed further below.

Therefore, Applicants submit that Shiga in view of Terasawa does not teach or suggest each feature of independent claim 36, and does not render the present invention unpatentable.

Dependent Claims 22, 24, 29 and 31

Claims 22, 24, 29 and 31 are dependent claims, depending from respective distinguishable base claims. Accordingly, these claims should also be in condition for allowance based upon their dependencies.

Accordingly, Applicants respectfully request the rejections over claims 22, 24, 29, 31, 33 and 36 be withdrawn.

Complete Action not Provided

Applicants respectfully submit that the Examiner did not provide a complete action, and as such, Applicants submit that the next action should not be a final action. The Examiner is reminded of the guidance provided by 37 C.F.R. § 1.104(a)(1) regarding the Nature of Examination (emphasis added):

On taking up an application for examination . . . the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect to both

compliance of the application . . . with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated.

Additionally, the Examiner is reminded of the guidance provided by MPEP § 2143.03¹ regarding All Claim Limitations Must be Taught or Suggested, which states (emphasis added), “ [a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.”

Applicants submit that the Examiner did not address at least claims 23 and 36 as claimed. Thus, Applicants submit that the Examiner did not conduct a complete examination, as the Examiner did not address the invention as claimed.

Specifically, with regards to claim 23, the Examiner did not address the feature: “. . . a plurality of said summary frames each corresponding to a past frame from said video program in progress.” However, in rejecting claim 23 the Examiner stated:

With regards to claim 23, as discussed above in claim 21, since the summary frame is extracted from the video program, a viewer may encounter scenarios wherein the summary frame displays a past frame relative to the current play time of the video program in progress.

Thus, Applicants submit that the Examiner did not address the feature of a plurality of said summary frames each corresponding to a past frame from said video program in progress.

Thus, Applicants submit that the Examiner at least did not address each feature of claim 23, and did not properly reject claim 23.

With regards to claim 36, the Examiner did not address the feature: “. . . at least one preview frame comprising a future frame from said video program in progress displayed at a

¹ While acknowledging that MPEP § 2143.03 is in regards to obviousness rejections, Applicants submit that the above principle applies to anticipation rejections as well.

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same time as said at least one summary frame and said video program in progress . . .” Instead, in addressing claim 36, the Examiner improperly substituted “video program in progress” with “channel.” Thus, Applicants submit that the Examiner at least did not address each feature of claim 26, and did not properly reject claim 26.

Therefore, Applicants submit that the next rejection cannot be made final, as the Examiner did not completely address the above-noted claims.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the applied prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0510.

Respectfully submitted,
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